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P 12:34

## UNITED STATES DISTRICT COURT

District of

MASSACHUSETTS

U.S. DISTRICT COURT  
DISTRICT OF MASS.

COUNTY OF NASSAU,

Plaintiff,

V.

## SUMMONS IN A CIVIL CASE

CASE NUMBER: 05-10179-PBS

MDL No. 1456

(See attached Schedule A)

TO: (Name and address of Defendant)

Merck & Co., Inc.  
 One Merck Drive, P.O. Box 100  
 Whitehouse Station, NJ 08889-0100  
 Hunterdon County

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Michael M. Buchman, Esq.  
 Milberg Weiss Bershad & Schulman LLP  
 1 Pennsylvania Plaza  
 New York, New York 10119-0165

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

MAR 18 2005

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____  _____  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____  <input type="checkbox"/> Returned unexecuted: _____  _____  <input type="checkbox"/> Other (Specify): _____  _____		
<b>STATEMENT OF SERVICE FEES</b>		
Travel	Services	Total
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____</p> <p><i>Signature of Server</i> _____  <i>Address of Server</i> _____</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Schedule A

Abbott Laboratories, Inc.  
100 Abbott Park Road  
Abbott Park, IL 60064-3502  
Lake County

Agouron Pharmaceuticals Inc.  
10350 North Torrey Pines Road, Suite 100  
La Jolla, CA 92037  
San Diego County

Amgen, Inc.  
One Amgen Drive  
Thousand Oaks, CA 91320  
Ventura County

AstraZeneca U.S.  
Astr&Zeneca Pharmaceuticals L.P.  
1800 Concord Pike  
Wilmington, DE 19897-0001  
New Castle County

Aventis S.A.  
Aventis Behring L.L.C.  
1020 First Avenue  
King of Prussia, PA 19406  
Montgomery County

Aventis Pharmaceuticals Inc.  
300-400 Somerset Corporate Boulevard  
Bridgewater, NJ 08807-2855  
Somerset County

Barr Laboratories, Inc.  
2 Quaker Road, Box 2900  
Pomona, NY 10970-0519  
Rockland County

Baxter Health Care Corp.  
One Baxter Parkway  
Deerfield, IL 60015-4625  
Lake County

Bayer Corporation  
100 Bayer Road  
Pittsburgh PA 15205-9707  
Allegheny County

Berlex Laboratories, Inc.  
300 Fairfield Road  
Wayne, NJ 07470  
Passaic County

Biogen, Inc.  
14 Cambridge Center  
Cambridge, MA 02142  
Middlesex County

Boehringer Ingelheim Corp.  
P.O. Box 368  
900 Ridgebury Road  
Ridgefield, CT 06877-0368  
Fairfield County

Bristol-Myers Squibb Company  
345 Park Avenue  
New York, NY 10154-0001  
New York County

Chiron Corporation  
4560 Horton Street  
Emeryville, CA 94608-2916  
Alameda County

Eli Lilly and Company  
Lilly Corporate Center  
Indianapolis, IN 46285  
Marion County

Forest Pharmaceuticals Inc.  
13600 Shoreline Drive  
St. Louis, MO 63045  
Saint Louis County

Fujisawa Health Care, Inc.  
Three Parkway North  
Deerfield, IL, 60015  
Lake County

Genentech, Inc.  
One DNA Way  
South San Francisco, CA 94080-4918  
San Mateo County

Genzyme Corp.  
500 Kendall Street  
Cambridge, MA 02142  
Middlesex County

SmithKline Beecham Corporation, d/b/a GlaxoSmithKline  
One Franklin Plaza  
Philadelphia, PA 19102  
Philadelphia County  
Delaware Corp.

Immunex Corporation  
51 University Street  
Seattle, WA 98101-2918  
King County

Ivax Corp.  
4400 Biscayne Blvd.  
Miami, FL 33137  
Miami-Dade County

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933  
Middlesex County

Janssen Pharmaceutical Products  
1125 Trenton-Harbourton Road  
Titusville, NJ 08560  
Mercer County

Ortho-McNeil Pharmaceuticals, Inc.  
1000 U.S. Route 202 South  
Raritan, NJ 08869  
Somerset County

Ortho Biotech Inc.  
700 U.S. Highway 202  
Raritan, NJ 08869  
Somerset County

Key Pharmaceuticals, Inc.  
1011 Morris Ave.  
U-13-2 2900  
Union, NJ 07083  
Union County

MedImmune, Inc.  
35 W. Watkins Mill Road  
Gaithersburg, MD 20878  
Montgomery County

Merck & Co., Inc.  
One Merck Drive, P.O. Box 100  
Whitehouse Station, NJ 08889-0100  
Hunterdon County

Mylan Laboratories Inc.  
1500 Corporate Drive  
Suite 400  
Canonsburg, PA 15317  
Washington County

Novartis Pharmaceuticals Corporation  
One Health Plaza  
East Hanover, NJ 07936-1016  
Morris County

Organon Inc., USA  
375, Mount Pleasant Avenue  
West Orange, NJ 07052  
Essex County

Pfizer, Inc.  
235 East 42nd St.  
New York, NY 10017-5703  
New York County

Pharmacia Corp.  
235 East 42nd St.  
New York, NY 10017-5703  
New York County

Purdue Pharma, L.P.  
One Stamford Forum  
201 Tresser Boulevard  
Stamford, CT 06901-3516

Fairfield County

Reliant Pharmaceuticals LLC  
721 Route 202/206  
South Bridgewater, NJ 08807  
Somerset County

Sanof-Synthelabo, Inc.  
One Wall Street  
New York, NY 10286  
New York County

Schering-Plough Corp.  
2000 Galloping Hill Rd.  
Kenilworth, NJ 07033-1310  
Union County

Serono, Inc.  
One Technology Place  
Rockland, MA 02370  
Plymouth County

Takeda Pharmaceuticals North America, Inc.  
475 Half Day Road  
Lincolnshire, IL 60069  
Lake County

TAP Pharmaceutical Products, Inc.  
675 North Field Drive  
Lake Forest, IL 60045  
Lake County

Warrick Pharmaceuticals Corp.  
12125 Moya Boulevard  
Reno, NV 89506-2600  
Washoe County

Wyeth  
Five Giralta Farms  
Madison, NJ 07940-1027  
Morris County

COUNTY OF NASSAU

vs.

*Plaintiff*

ABBOTT LABORATORIES INC. ; AGOURON PHARMACEUTICALS INC ; ET AL.

*Defendant*

UNITED STATES  
 DISTRICT COURT  
 District of Massachusetts  
 Case Number: 0510179-PBS  
 Eastern District of New York  
 Case Number: CV-045126

Docket / Index # 0510179-PBS ;  
CV-045126**Person to be served:**

Merck &amp; Co. Inc. at: Merck &amp; Co. Inc., One Merck Drive, White House Station, NJ 08889

**AFFIDAVIT****Attorney:**

Cost of Service Pursuant to R. 4:4-3(c)

\$ \_\_\_\_\_

**Papers Served:**SUMMONS IN A CIVIL CASE, COMPLAINT, CIVIL COVER SHEET,  
RULE 7.1 STATEMENT, SUMMONS IN A CIVIL CASE, AMENDED  
COMPLAINT, CIVIL COVER SHEET**Service Data:**Served Successfully X Not Served \_\_\_\_\_

Date: March 24, 2005 Time: 9:30 AM

Attempts: 0

       Delivered a copy to him / her personally**Name of Person Served and  
Relationship / Title:**       Left a copy with a competent household member over 14  
years of age residing therein.

Connie Boyle, Legal Department Representative

X Left a copy with a person authorized to accept service, e.g.  
managing agent, registered agent, etc.**Description of Person Accepting Service:**

Sex: Female Age: 50 Height: 5' 6" Weight: 150-160 lbs Skin Color: Caucasian Hair Color: Brown

**Unserved:**

- ( ) Defendant is unknown at the address furnished by the attorney  
 ( ) All reasonable inquiries suggest defendant moved to an undetermined address  
 ( ) No such street in municipality  
 ( ) No response on: \_\_\_\_\_ Date \_\_\_\_\_ Time  
 ( ) Date \_\_\_\_\_ Time  
 ( ) Other \_\_\_\_\_ Comments or Remarks \_\_\_\_\_

**Server Data:**Subscribed and Sworn to me this  
26<sup>th</sup> day of March 2005Robert H. Stalb, Notary Public of New Jersey  
My Commission Expires March 14, 2008I, Frank Genua, was at the time of service a competent adult not  
having a direct interest in the litigation. I declare under penalty of  
perjury that the foregoing is true and correct.

Frank Genua, Process Server

**Court Support Inc.**

181 Hillside Avenue

Williston Park, New York 11596

Job #10988

Affidavit of Service (9/30/02)

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 3/24/2005
NAME OF SERVER (PRINT) FRANK GENUA	TITLE PROCESS SPECIALIST

*Check one box below to indicate appropriate method of service*

- Served personally upon the defendant. Place where served:

MERCK & CO. INC., One Merck Drive, Whitehouse Station, New Jersey 08889

- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Ms Connie Boyle - Legal Department Representative

- Returned unexecuted:

- Other (specify):

**STATEMENT OF SERVICE FEES**

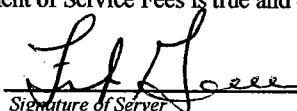
TRAVEL	SERVICES	TOTAL
		\$0.00

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 3/24/2005

Date



*Signature of Server*

Court Support Inc., 181 Hillside Ave, Williston Pk, NY

*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.